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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

JOHN DILORENZO,

Petitioner,

v.

TIM SCOTT, in his official capacity as
Multnomah County Elections Director,

Respondent.

Case No. _____

**PETITION FOR DETERMINATION OF
INITIATIVE MEASURE
COMPLIANCE WITH
CONSTITUTIONAL PROVISIONS
UNDER ORS 250.168(4)**

Expedited Review Requested

Filing Fee: \$281, ORS 21.135(1), (2)(g)

Pursuant to ORS 250.168(4), Petitioner, John DiLorenzo (“Petitioner”) respectfully petitions this Court for expedited review of Multnomah County Election Director’s, Tim Scott’s (“Respondent”), determination that the initiative petition entitled “Hold Government Accountable for Property Crime” (here, the “Initiative,” identified as “MultCoInit-10” by Respondent) does not meet the requirements of the Oregon Constitution and other relevant statutes and ordinances. Petitioner alleges as follows:

1.

Petitioner is a resident of Portland, Oregon, within the boundaries of Multnomah County.

2.

Petitioner is qualified to vote under Section 2, Article II of the Oregon Constitution and is a registered voter.

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3.

Respondent is the “county clerk” as that term is defined in ORS Chapter 250. *See* 250.005(1).

4.

Petitioner is the chief petitioner of the Initiative (MultCoInit-10), the “prospective petition” (as that term is defined in ORS Chapter 250 by ORS 250.005(4)) at issue in this matter (the “Initiative”), which was filed on October 1, 2024. A complete copy of the Initiative filing is attached hereto as **Exhibit A**.

5.

Pursuant to Multnomah County Code (MCC) 5.100(c), on October 8, 2024, Respondent made a determination in writing that the Initiative does not meet the requirements set forth in Article IV, Section 1(2)(d) of the Oregon Constitution, Article VI, Section 10 of the Oregon Constitution, ORS 203.725(2), and MCC 5.100(c). A copy of that written determination is attached as **Exhibit B**.

6.

Petitioner is dissatisfied with the Respondent’s aforementioned written determination that the Initiative does not meet the requirements set forth above.

7.

Pursuant to ORS 250.168(4), Petitioner files this Petition seeking to overturn Respondent’s written determination and seeks expedited review of the same pursuant to ORS 250.168(5) to ensure the orderly and timely circulation of the Initiative.

8.

Petitioner requests this Court establish a briefing schedule so as to conduct this review in an orderly and expeditious fashion.

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9.

This Petition has been filed with the Multnomah County Circuit Court not later than the seventh business day after the aforementioned written determination was made by Respondent.

PRAYER

WHEREFORE, Petitioner prays for a judgment from this Court determining that the Initiative meets the requirements of Article IV, Section 1(2)(d), of the Oregon Constitution, Article VI, Section 10, of the Oregon Constitution, ORS 203.725(2), and MCC 5.100(c), and requiring Respondent to enter a determination consistent with this Court’s findings and to proceed with the initiative measure procedures as required by the applicable law including without limitation those set forth in ORS Chapter 250 and the Multnomah County Code.

DATED and SUBMITTED: October 17, 2024.



Kevin L. Mannix, OSB No. 742021
Attorney for Petitioner
Kevin L. Mannix, P.C.
2009 State Street
Salem, OR 97301
Tel: (503) 364-1913
Fax: (503) 362-0513
Email: kevin@mannixlawfirm.com

Petitioner:
John DiLorenzo
1736 SW Prospect Drive
Portland, OR 97201
johndilorenzo@dwt.com


CERTIFICATE OF SERVICE

I certify that on October 17, 2024, the following parties were served at their respective addresses shown below by sending a true and correct copy of this PETITION FOR DETERMINATION OF INITIATIVE MEASURE COMPLIANCE WITH CONSTITUTIONAL PROVISIONS UNDER ORS 250.168(4), to said parties, on said date, by the method(s) indicated below and addressed to the following:

Jenny Morf Madkour
Katherine Thomas
Multnomah County Attorney’s Office
501 SE Hawthorne Blvd Ste 500
Portland OR 97214
jenny.m.madkour@multco.us
katherine.thomas@multco.us
*Attorneys for Respondent
County Counsel*

ELECTRONIC MAIL
 U.S. MAIL
 ELECTRONIC FILING
 PERSONAL SERVICE
 OVERNIGHT MAIL
 FACSIMILE

DATED: October 17, 2024.



Kevin L. Mannix, OSB No. 742021
Attorney for Petitioner

Prospective Petition

Local Initiative and Referendum

SEL 370

rev. 01/22 ORS 250.045,
250.165, 250.265, 255.135

Warning Supplying false information on this form may result in conviction of a felony with a fine of up to \$125,000 and/or prison for up to 5 years. Each chief petitioner is required to provide, on the same form, their name, residence address, contact phone number and signature attesting that the information on the form is true and correct. Changes to the information provided for a chief petitioner or to the circulator pay status must be reported to the filing officer no later than the 10th day after a chief petitioner first has knowledge or should have had knowledge of the change. At least one original chief petitioner must remain throughout the petition process or the petition is void.

Petition Information		Type	
This filing is an	<input checked="" type="checkbox"/> Original <input type="checkbox"/> Amendment	<input checked="" type="checkbox"/> Initiative <input type="checkbox"/> Referendum	

Jurisdiction	Some Circulators may be Paid		
<input checked="" type="checkbox"/> County <input type="checkbox"/> City <input type="checkbox"/> District	<input type="checkbox"/> Yes	<input type="checkbox"/> No	

Title Subject or name you give your petition.
Hold Government Accountable for Property Crimes (Alternative B)

Petition Correspondence Select the method of receiving notices or other correspondence from the Filing Officer.

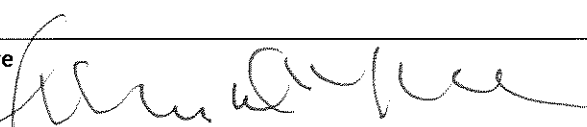
Correspondence Recipient Email Chief Petitioners Mail Chief Petitioners

Recipient Information

Name John DiLorenzo	Email Address johndilorenzo@dwt.com
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Chief Petitioner Information Only chief petitioner's residential city and state will appear on petition sheets.

→ By signing this document, I hereby state that all information on the form is true and correct and attest that no circulators will be compensated money or other valuable consideration on this petition based on the number of signatures obtained by the circulator.

Name John DiLorenzo	Contact Phone 503-704-5162
Residence Address street, city, state, zip 1736 SW Prospect Drive, Portland, OR 97201	
Mailing Address if different	Email Address johndilorenzo@dwt.com
Signature 	Date Signed 10-1-24

Name	Contact Phone
Residence Address street, city, state, zip	
Mailing Address if different	Email Address
Signature	Date Signed

Name	Contact Phone
Residence Address street, city, state, zip	
Mailing Address if different	Email Address
Signature	Date Signed

RECEIVED
 2024 OCT -1 AM 9:11
 MULTICOUNTY COMS
 DIVISION OF ELECTIONS

**To be proposed by initiative petition to qualify for the May 2025 election:
ALTERNATIVE B**

**CHARTER AMENDMENT
HOLD GOVERNMENT ACCOUNTABLE FOR PROPERTY CRIME**

The following is adopted as Section 12.80 to the Multnomah County Charter:

12.80 The Electors of Multnomah County find as follows:

- a. The People have a right to keep their property and possessions safe and have an expectation that their county government will devote sufficient resources to preserve and protect their property; and
- b. The incidence of property crimes committed in Multnomah County have increased significantly over the last decade; and
- c. For many county residents, the economic impacts of property crimes are devastating and can lead to housing and food insecurity, as well as disruptions in employment and other facets of daily life; and
- d. The increase in property crimes has disproportionately affected our County's most vulnerable and historically marginalized communities; and
- e. Over the past decade, prosecutions for felonies, misdemeanors, and juvenile offenses has significantly declined; and
- f. The County's leadership has attempted to address homelessness, drug dependence, behavioral health issues, and other public safety concerns by emphasizing funding of non-governmental, private-sector organizations, which has ultimately resulted in less accountability, less transparency, and less control by public officials with no apparent success; and
- g. Whether intentionally or unintentionally, the County has effectively abdicated its responsibility to provide its residents with a baseline level of safety and crime prevention, which has disproportionately affected communities of color and other vulnerable populations; and
- h. County policies emphasizing "harm reduction," enablement, and absence of consequences have contributed to the increase in theft, vandalism, robberies, assaults, carjackings, graffiti, and other antisocial behaviors, which diminish the quality of life of the County's residents regardless of their income, age, gender, race, nationality, immigration status, or neighborhood location.

12.81. The County shall insure and indemnify persons and owners or lessors of property for property damage and bodily injury as a result of any Crime committed within the County

boundaries from the effective date, unless this section is suspended and not operative pursuant to Section 12.87.

12.82. "Crime" includes any conduct which is prohibited by ORS Chapters 131-169, by a third party against a Crime Victim, in which there is probable cause that a crime has occurred, regardless of whether charges are initiated, provided the Crime is reported to a law enforcement agency and the Crime Victim agrees to cooperate in any civil or criminal proceeding which might be filed against the perpetrator of the crime.

12.83. "Crime Victim" means any person who has sustained injury to property resulting from a Crime committed in Multnomah County. The maximum amount of any claim shall be no more than \$2,500 per occurrence, adjusted each year for inflation based on the consumer price index. "Person" means any individual, corporation, limited liability company, partnership, limited partnership, limited liability partnership, or any other combination of persons doing business as an entity generally recognized as having the capacity to sue or be sued.

12.84. The obligation of the County to insure and indemnify a Crime Victim pursuant to Sections 12.81-.83 herein shall be without regard to any commercial insurance or right to indemnification which the Crime Victim may otherwise possess. The County shall have the right to pursue any person who committed a Crime for damages to reimburse it to the extent to which it has paid a Claim. However, the County shall have no right of subrogation as against any insurer of a Crime Victim.

12.85. (A) The Board of County Commissioners shall by ordinance establish an office for Crime Victims' Compensation, which shall design claim forms similar to those generally utilized by commercial insurance carriers, and make them available to Crime Victims. The Crime Victims' Compensation Office shall administer claims, be empowered to investigate suspected fraudulent claims, and must process and pay claims within 60 days of presentation by Crime Victims.

(B) Claims described in this section and other related information are submitted to the County in confidence as described in ORS 192.355(4). In accepting the claim forms described in this section and other related information, the County obliges itself in good faith not to disclose such information. This subsection does not prevent the County from releasing data about claims that is aggregated by geographic or demographic categories if the data is reasonably anonymized.

12.86. The County shall use any and all existing financial resources to administer the Crime Victims' Compensation Office and to pay claims presented by Crime Victims. The County shall not impose new taxes on residents of the County or on property located within the County or on persons doing business within the County to finance the obligations of the County pursuant to Section 12.80 through 12.89. To the extent that administration of and payment of obligations required under Sections 12.80 through 12.89 create shortfalls in budgets for other County programs, the budgets for those programs shall be reduced by the Board of Commissioners to permit the County to fully perform its obligations under Sections 12.80 through 12.89, notwithstanding any expenditure restrictions otherwise required by ordinances establishing these programs.

12.87. After December 31, 2026, the obligations of the County under Section 12.81 shall be temporarily suspended and rendered inoperative for a period of one calendar year following publication of statistics from the Federal Bureau of Investigation showing that the incidence of reported crimes for each of the following categories: (i) theft; (ii) auto theft and (iii) burglary; occurring within Multnomah County for the last immediate calendar year have fallen below those which were reported by the Federal Bureau of Investigation for calendar year 2014.

12.88. Any Crime Victim may seek recourse in the way of damages, declaratory relief, injunctive relief, or other remedies allowed by law for the purpose of enforcing the County's obligations pursuant to Sections 12.80 through 12.89. A prevailing Crime Victim shall be entitled to recover costs and reasonable attorney fees incurred in prosecuting the claim against the County or in enforcing the County's obligations pursuant to Section 12.80 through 12.89.

12.89. If any portion of this amendment (sections 12.80 through 12.89) is held by any court to be invalid or if application of any of its provisions to any person or circumstances is held by any court to be invalid, then the other provisions or applications shall not be affected thereby.

VIA EMAIL AND CERTIFIED MAIL

John DiLorenzo
1736 SW Prospect Drive
Portland, OR 97201
johndilorenzo@dwt.com

October 8, 2024

Dear Chief Petitioner,

The county has reviewed MultCoInit-10, filed on October 1, 2024, to determine whether it complies with Article IV, section 1(2)(d), of the Oregon Constitution, Article VI, section 10, of the Oregon Constitution, ORS 203.725(2), and Multnomah County Code (MCC) 5.100. The county has concluded that MultCoInit-10 includes “the text of the county legislation proposed.” MCC 5.100(A). However, for the reasons explained below, the county has concluded that the prospective petition does not meet the single subject requirement of Article IV, section 1(2)(d), of the Oregon Constitution and MCC 5.100(C); the separate vote requirement of Article VI, section 10, of the Oregon Constitution and ORS 203.725(2); or the requirement in Article VI, section 10, of the Oregon Constitution and MCC 5.100(C) that the proposal be legislative.

Under Article IV, section 1(2)(d), of the Oregon Constitution, an initiative petition must embrace “one subject only and matters properly connected therewith.” MultCoInit-10 covers more than one subject and includes matters not properly connected to the unifying principle of creation and administration of a new insurance and indemnification requirement. Section 12.86 covers the additional subjects of countywide budgeting and finance, and restructuring and limiting county budgeting and finance decisions for unrelated county programs is not properly connected to the creation and administration of a new program.

MultCoInit-10 also runs afoul of the more stringent separate vote requirement stemming from Article VI, section 10, of the Oregon Constitution and ORS 203.725(2), which provides that two or more substantive changes to the charter that are not closely related must be submitted separately to the voters. The changes that MultCoInit-10 would make by putting into the charter new restrictions on countywide budgeting and revenue raising, and overriding existing expenditure restrictions, are not closely related to the creation and implementation of the new program.

Article VI, section 10, of the Oregon Constitution and MCC 5.100(C) also require that an initiative petition be legislative, rather than administrative. Section 12.86 of MultCoInit-10 includes administrative elements because it mandates a particular expenditure of county financial resources to

fund the new program, to the exclusion of all other county programs, rather than establishing general policies applicable to expenditure of county funds.

Under ORS 250.168(4), you may petition the circuit court seeking to overturn this determination. The petition must be filed not later than the seventh business day after today's date.



Tim Scott, Director
Multnomah County Elections